

REMARKS

This application has been reviewed in light of the non-final Office Action mailed on September 30, 2008. Claims 1-23 are pending in the application with Claims 1, 18, 22 and 23 being in independent form. Independent Claim 1 has been amended to better clarify that the confirmation message “relates to a decoding of the data by the at least one second receiving station of the plurality of first receiving stations” as recited by the other independent claims.

Claims 1, 4, 18, 19, 22 and 23 are amended for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or to replace European-style claim phraseology with American-style claim language. No new matter is added.

In the Office Action Summary, Form PTOL-326 (Rev. 08-06), it is noted that the oath or declaration is objected to by the Examiner and reference is made to the attached Office Action or Form PTO-152. It is noted that the Office Action does not specify why the oath or declaration is objected and there is no Form PTO-152 attached to the Office Action Summary. The Examiner is respectfully requested to specify why the oath or declaration is objected.

In the Office Action, Claims 2-10 and 19-21 are rejected under 35 U.S.C. §102(b) as being anticipated by Non-patent literature “Reliable Multicast Protocol with a Representative Acknowledgment Scheme for Wireless Systems” to Inoue et al. (Inoue et al.); and Claims 1, 11-18 and 22-23, including independent Claims 1, 18, 22 and 23, are rejected under 35 U.S.C. §103(a) as being unpatentable over Inoue et al. and further in view of U.S. Patent Application Publication No. 2003/0207696 to Willenegger et al. (Willenegger et al.) as well as U.S. Patent No. 6,044,069 to Wan (Wan) and U.S. Patent Application Publication No. 2002/0133615 to Satran et al. (Satran et al.). Independent Claims 1, 18, 22 and 23 are specifically rejected over Inoue et al. in view of Satran et al. It is respectfully submitted that Claims 1-23 are patentable

over Inoue et al., Willenegger et al., Wan and Satran et al. for at least the following reasons. The rejections are respectfully traversed.

Applicant respectfully submits that the rejection under 35 U.S.C. §102(b) with respect to Claims 2-10 is improper because these claims depend from independent Claim 1 and Claim 1 is not similarly rejected under 35 U.S.C. §102(b). It is axiomatic that a dependent claim cannot be rejected under 35 U.S.C. §102(b) when its corresponding independent claim is not rejected under 35 U.S.C. §102(b). Accordingly, withdrawal of the rejection with respect to dependent Claims 2-10 under 35 U.S.C. §102(b) is respectfully requested.

Inoue et al. is directed to a representative acknowledgment scheme for reliable wireless multicast communications. The proposed protocol carries out retransmissions in the datalink layer within the wireless region, and, according to Inoue et al., retransmissions do not affect the traffic in the wired region. The representative acknowledgment scheme employs both positive acknowledgment (ACK) and negative acknowledgment (NACK) to achieve multicast transmissions and reduces the number of responses to be returned by forming groups of stations in the cell. One of the members in a group, called a representative station, returns a response for a received data frame while the others return a NACK if necessary.

The Examiner acknowledges that Inoue et al. is silent on the claim language of transmitting the confirmation message from the transmitting station to at least one third receiving station of the plurality of first receiving stations. The Examiner relies on Satran et al. to address the deficiencies of Inoue et al. with respect to independent Claims 1, 18, 22 and 23. The Examiner states Satran et al. discloses a receiving station which sends a confirmation message back to the transmitting station, at which point the transmitting station immediately multicasts the confirmation message to the other receiving stations.

In particular, Satran et al. is directed to a multicasting system where content is multicast from a sender to a plurality of receivers over a data network. According to Satran et al., each receiver independently determines whether it is missing elements or packets of the content. Receivers having missing content each initiate a random timer. The receiver which has the shortest random interval **unicasts a negative acknowledgement (NACK)** to the sender; the sender immediately multicasts the negative acknowledgement to the other receivers. All other receivers having the same missing packet thereupon suppress their own negative acknowledgements as to that packet. A repair transmission is then multicast by the sender to all receivers. The negative acknowledgement which is unicast by the receiver and then multicast by the sender to all receivers relates to an unsuccessful receipt of a data packet by the receiver.

In contrast to Applicant's independent claims, Satran et al. does not disclose or suggest the transmitting station transmitting a confirmation message which it received from at least one receiving station to at least one receiving station of the plurality of first receiving stations, **where the confirmation message relates to a decoding of the data at a respective receiving station of the plurality of receiving stations**, as recited by Applicant's independent Claims 1, 18, 22 and 23

Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to independent Claims 1, 18, 22 and 23 and allowance thereof are respectfully requested.

Dependent Claims 2-17 and 19-21 are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 1 and 18. Accordingly, the withdrawal of the rejections under 35 U.S.C. §§102(b) and 103(a) with respect to dependent Claims 2-17 and 19-21 over Inoue et al., Willenegger et al., Wan and Satran et al. and allowance thereof are respectfully requested.

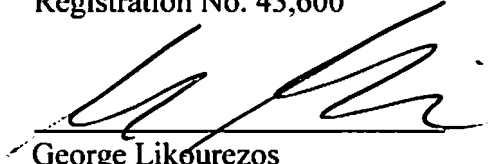
In view of the foregoing remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-23, are believed to be in condition for allowance.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call the undersigned.

Respectfully submitted,

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